

TECHNICAL ASSISTANCE ON EXPANSION OF LEAVE SHARING FOR CATASTROPHIC EVENTS

Prepared by the Division of Human Resources in the Department of Personnel and Administration, July 2002.

In a policy signed on June 21, 2002, by Troy Eid, Executive Director of the Department of Personnel and Administration, departments and institutions of higher education (departments) are authorized to expand their leave-sharing programs to include employees who are directly affected by life-altering catastrophic events or emergencies, such as wildfires, floods, tornadoes, and other natural disasters. This includes employees who suffer loss of life or property as a consequence of such events, or who are serving as first-responders to such tragedies. Per statute, the state personnel director has the authority to establish appropriate leave programs for employees in the state personnel system.

Catastrophic events are not necessarily limited to natural disasters; for example, a natural gas explosion or fire that destroys an employee's residence may qualify. However, this type of leave sharing is intended for accidental events that result in a substantial loss or complete destruction of the employee's residence. Remember that leave sharing was established for catastrophic, life-threatening medical conditions when all other benefits are exhausted so similar standards are important when defining situations for expanding a program. It is not intended to cover foreseeable situations that could have been prevented or minimized by planning or action on the part of the employee or for a short-term financial setbacks or inconvenience. For example, an order to evacuate is different from the inconvenience of monitoring an event in case preparation for potential evacuation may become necessary. A department may also want to consider defining other life-altering catastrophes that result in loss of life or life-threatening events due to major crime such as kidnapping and murder.

In addition to the state personnel director's new policy, departments should use their existing leave-sharing programs for guidance. The Department of Personnel and Administration's leave-sharing technical assistance is also available on the DHR website at www.colorado.gov/dpa/dhr under Technical Assistance or Compensation (leave).

Leave sharing is voluntary, not an entitlement, and departments develop their own leave-sharing programs within the parameters established by the state personnel director. Leave sharing may include the transfer of donated **annual** leave between individuals or donation to a leave bank. Similar to leave sharing for catastrophic illness, donated annual leave for the purposes of catastrophic events may be transferred between departments with the approval of the two department heads. Only permanent employees are eligible for leave sharing. The approval of leave sharing applications is at the sole discretion of the department head. No appeals or grievances are permitted.

Eligibility requirements are the same for both catastrophic illness and catastrophic events. Employees must have one year of state service to be eligible to apply for donated **annual** leave.

Leave sharing is only available following the exhaustion of annual leave, compensatory time, and any other applicable leave such as sick leave, funeral leave, or administrative leave for

American Red Cross certified disaster services volunteers (P-5-21). Note that like any other use of annual leave, the state bears no liability under worker's compensation for any injury suffered by a first responder.

Departments need to develop guidelines or criteria for reviewing requests for donated leave and assuring consistency in the application of the program for catastrophic events. In addition to existing programs and technical assistance, the following should be considered as these guidelines or criteria are developed.

- The existing application process and forms and whether revisions are needed.
- Whether to create a team of reviewers (or use an existing team) to evaluate these types of requests and make a recommendation to the department head.
- Whether to revise or establish a maximum amount of donated leave that will be granted for catastrophic events.
- The impact of the catastrophe on the total family financial picture and lifestyle. For example, complete loss of the primary residence vs. repairable damage.
- Other sources of support available from family, insurance carriers, or community organizations.
- Extraordinary need for leave, such as absences to prepare for evacuation or to take preventive measures to avoid complete loss of property.
- Departments have the discretion to request documentation supporting the need for leave, which is strongly encouraged to assure consistency in the application of the policy and to prevent possible abuse.
- Whether to track leave donated for catastrophic events separately from leave donated for the regular leave-sharing or military leave sharing for Operation Freedom programs.

The above information is general in nature and every attempt is made to keep this information updated. For more information, contact your agency human resources office. This document is a guide, not a contract or legal advice.